

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CALVIN HATTEN,

Defendant.

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CASE NO. 8:10CR271

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Defendant's pro se motion to reduce his sentence as a result of the Fair Sentencing Act of 2010 (Filing No. 52). Counsel has been appointed but has not entered an appearance (Filing No. 53). The Probation Office has prepared a worksheet recommending no reduction.

The Defendant pleaded guilty to Count II of the Indictment, which charged him with distributing 5 grams or more of a mixture or substance containing crack cocaine. The Defendant was held responsible for 89.7 grams of cocaine base, resulting in the application of base offense level 26. He was sentenced under a plea agreement reached under Federal Rule of Criminal Procedure 11(c)(1)(C) to 120 months imprisonment.

Accordingly,

IT IS ORDERED:

1. The Defendant's motion to reduce his sentence (Filing No. 52) is denied; and
2. The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 26th day of March, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge